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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,800	12/28/2001	Sudhindra P. Herle	2002.02.002.WT0	2037

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Docket Clerk
P.O. Drawer 800889
Dallas, TX 75380

EXAMINER	
PITARO, RYAN F	

ART UNIT	PAPER NUMBER
2174	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/035,800	HERLE ET AL	
	Examiner	Art Unit	
	Ryan F. Pitaro	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 February 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-16 have been examined.

Response to Amendment

2. This communication is responsive to Amendment C, filed 2/9/2006.

3. Claims 1-16 are pending in this application.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, Jr. et al ("Martin", Us 6509913) in view of Brodersen et al ("Brodersen", US6324693).

As per independent claim 1, Martin discloses a wireless communication device (Figure 2A item 216) comprising: a main controller capable of executing a basic operating system application program that operates communication functions of said wireless communication device and that controls a first graphical user interface (Column 4 lines 39-49) for interacting with a user (Column 4 lines 44-49); and a memory , within the wireless communication (Figure 4) coupled to said main controller capable of storing first GUI configuration file (Column 5 lines 26-31) and second GUI configuration file (Figure 3b item 366, Column 11 lines 9-12), wherein said first GUI configuration file contains first GUI parameter text names and a corresponding plurality of data comprising at least one of: sounds, graphical and menu hierarchy associated with said first graphical user interface (Column 6 lines 18-27), and said second configuration file

contains second GUI parameter data comprising second plurality of text names and a corresponding plurality of data comprising at least one of: sounds, graphical images, text, menu options and a menu hierarchy associated with a second graphical user interface (Column 6 lines 18-27). However, Martin fails to distinctly point out validating the two configuration files. However, Brodersen teaches a method wherein said main controller is operable to validate said second parameter data by comparing a first text name checksum value associated with said first GUI configuration a second text name checksum value associated with said second GUI configuration file (Column 17 lines 51-60). Therefore, it would have been obvious to an artisan at the time of invention to combine the method of Martin with the teaching Brodersen. Motivation to do so would have been to prevent inadvertently applying changes that are not supported.

As per claim 2, which is dependent on claim 1, Martin-Brodersen discloses a device wherein said main controller replaces at least a portion of said first GUI parameter data with said second GUI parameter data in response to a determination that said first and second text name checksum values are equal (Brodersen, Column 18 lines 54-60).

As per claim 3, which is dependent on claim 2, Martin-Brodersen discloses a device wherein said first text name checksum value is calculated from said first plurality of text names (Brodersen, Column 18 lines 54-56).

As per claim 4, which is dependent on claim 3, Martin-Brodersen discloses a device wherein said second text name checksum value is calculated from said second plurality of text names (Brodersen, Column 18 lines 54-56).

As per claim 5, which is dependent on claim 2, Martin-Brodersen discloses a device wherein said first GUI configuration file is a system default GUI configuration file (Martin, Column 7 lines 19-29).

As per claim 6, which is dependent on claim 2, Martin-Brodersen discloses said wireless communication device being a cellular telephone handset (Martin, Column 1 lines 19-21).

As per claim 7, which is dependent on claim 2, Martin-Brodersen a device wherein said wireless communication device is a personal digital assistant (PDA) device (Martin, Column 1 lines 19-21).

Claim 8 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

Claim 9 is similar in scope to that of claim 2, and is therefore rejected under similar rationale.

Claim 10 is similar in scope to that of claim 3, and is therefore rejected under similar rationale.

Claim 11 is similar in scope to that of claim 4, and is therefore rejected under similar rationale.

Claim 12 is similar in scope to that of claim 5, and is therefore rejected under similar rationale.

Claim 13 is similar in scope to that of claim 6, and is therefore rejected under similar rationale.

Claim 14 is similar in scope to that of claim 7, and is therefore rejected under similar rationale.

Claim 15 is similar in scope to that of claim 1, and is therefore rejected under similar rationale.

Claim 16 is similar in scope to that of claim 3, and is therefore rejected under similar rationale.

Response to Arguments

Applicant's arguments filed 2/9/2006 have been fully considered but they are not persuasive.

Applicant argues that Martin-Brodersen fails to teach a memory within the wireless communication device capable of storing a first and second GUI configuration file. However, since Martin teaches memory (Figure 4 item 406) it is inherent that the memory is capable of storing at least two configuration files as known in the art.

Applicant also argues that there is no motivation to combine the GUI configuration of Martin and the checksum update of Brodersen. However, Martin contains software which often needs replaced, altered or modified (Column 2 lines 17-26), and Brodersen teaches a way to perform this replacement or updating by only replacing configuration files that need replace using a checksum as pointed out in the previous rejection through Brodersen (Column 2 lines 64-67, Column 17 lines 65-67). Therefore, it seems as though there is a need to ensure that there is no erroneous updating taking place in Martin, this would save time and money for the updating company.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan F. Pitaro whose telephone number is 571-272-4071. The examiner can normally be reached on 7:00am - 4:30pm Mondays through Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ryan Pitaro
Art unit 2174
Patent Examiner

RFP

Kristine Kincaid
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